

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of these remarks is respectfully requested.

It is noted with appreciation that the subject matter of claims 6 and 11 are indicated as allowable and that claims 15-18 have been allowed.

Claims 1-5, 8-10, 13, and 14 have been rejected under 35 U.S.C. §102 as being anticipated by a Burton et al. publication GB 2,292,126A.

Anticipation requires a single prior art reference that discloses each element of the claim. W. L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

The Office Action refers to Fig. 1 of Burton and states that "Burton et al. discloses a system for controlling an active suspension component of a vehicle and a vehicle occupant protection device of the vehicle, said system comprising: a single controller (which is the signal processor 16) (See Fig. 1 and page 3), said single controller being controllably connected to at least one active suspension component (see element 18 in Fig. 1 and page 8) of a vehicle and controllably connected to at least one vehicle occupant protection device of the vehicle (see element 19 and Fig. 1 and page 3)." It is respectfully suggested that this is not correct.

Referring to Fig. 1 of Burton et al., an electronic suspension control unit 18 is connected to an active suspension component (shock absorbers 12). A signal

processor 16 is connected to the electronic suspension control unit 18 and to the airbag assembly 19. Specifically, a wire connects the electronic suspension control unit 18 to the signal processor 16 and a separate wire connects the airbag assembly 19 to the signal processor 16. **There is no wire that connects the electronic suspension control unit 18 to the air bag assembly 19.**

The Office Action further suggests that the signal processor 16 is a "controller." It is respectfully suggested that this is not correct. Burton et al., on page 2, states that the element referred to as number 16 in Fig. 1 is a signal processor unit. In *The Illustrated Dictionary of Electronics 6th Ed.*, the definition of a "signal processor" is: "any device--such as a preamplifier, expander, amplitude limiter, delay network, and the like--which may be inserted into a system, often externally, to modify an input signal or an output signal." Clearly, one skilled in the art would understand that the signal processor 16 is not a controller, but is, instead, a circuit that transforms or modifies the acceleration output signals into a form to be subsequently used by other circuitry. "The signal processor unit 16 acts so as to transform the data received from the accelerometers 21, 22, 23 into the required outputs for the sub-systems supplied by applying pre-determined transfer functions to the inputs to produce the required outputs." (See page 3 of Burton et al.) Therefore, it is clear that circuit 16 is simply a signal processor and NOT a controller. In accordance with the presently claimed invention, a controller (i.e., a single controller) controls BOTH at least one active suspension component and at least one vehicle occupant protection device. Simply providing a transformed signal to the air bag assembly 19 is not control of the air bag actuation by Burton et al.

Claim 1 recites a single controller that is controllably connected to at least one active suspension component and controllably connected to at least one occupant protection device of the vehicle. Therefore, it is respectfully requested that claim 1 be allowed.

Claims 2-12 are allowable for at least the same reasons claim 1 is allowable.

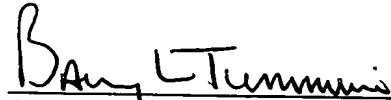
Claim 13 recites a single controller being controllably connected to at least one active suspension component and controllably connected to at least one occupant protection device. For reasons similar to those set forth above regarding claim 1, it is respectfully suggested claim 13 is allowable. Claim 14 is allowable for at least the same reasons claim 13 is allowable.

In responding to the Applicant's Arguments, the Examiner states "Burton does indeed disclose a controller 18 connected to the airbag and the suspension system in Fig. 1 and on page 3." Attached to this response is a copy of Fig. 1 from the Burton patent highlighting the connection between the airbag assembly 19 and the processor unit 16 marked in red. As can be seen, there is no connection between the airbag assembly 19 and the controller 18. Hopefully, the Examiner appreciates the well know drafting technique that the loop in the wire connecting the airbag assembly 19 to the signal processor unit 16 over the wire connecting the controller 18 to the rear shock absorber 12 means that there is no electrical connection therebetween.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this response to our Deposit Account No. 20-0090.

Respectfully submitted,


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09/839,911



Part of the
amendment

it's not
drawing for 09/839,911

MYM

Fig. 1

